



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| SERIAL NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
|---------------|-------------|-----------------------|---------------------|
| 06/344,982 | 02/02/82 | CAIRNS et al | 6181 |

BASIL P. MANN
MERRIAM, MARSHALL & BICKNELL
TWO FIRST NATL. PLAZA
CHICAGO, IL 60603

| EXAMINER | |
|----------|---------------------|
| SPRINGER | |
| ART UNIT | PAPER NUMBER |
| 122 | MAILED ₄ |

DATE MAILED:

DEC 14 1982

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

GROUP 120

☒ This application has been examined. ☐ Responsive to communication filed on _____. ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 2 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449 | 4. <input type="checkbox"/> Notice of informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474 | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

- ☒ Claims 1-16 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
- ☐ Claims _____ have been cancelled.
- ☒ Claims 15 + 16 are allowed.
- ☒ Claims 1-14 are rejected.
- ☐ Claims _____ are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.
- ☐ This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.
- ☐ Allowable subject matter having been indicated, formal drawings are required in response to this Office action.
- ☐ The corrected or substitute drawings have been received on _____. These drawings are ☐ acceptable; ☐ not acceptable (see explanation).
- ☐ The ☐ proposed drawing correction and/or the ☐ proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
- ☐ The proposed drawing correction, filed _____, has been ☐ approved. ☐ disapproved (see explanation). However, the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are corrected. Corrections MUST be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474.
- ☒ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☒ been filed in parent application, serial no. 946,492; filed on 9/28/78.
- ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
- ☐ Other

Art Unit 122

Claims 1-16 are pending.

Claims 15 & 16 are allowed.

Claims 1-5 and 8-14 are rejected under 35 USC 112, par. 1, as having inadequate descriptive support as to how make. *Expart Moeisch*, 104 U.S.P.Q. 122; *In re Howarth*, 210 USPQ 689. Sources of starting materials wherein $R_5 - R_8$ = hydroxy, mixed alkoxy, and or/amino, are nowhere shown.

Claims 1-14 are rejected under 35 USC 112, par. 1, as lacking reasonable assurance as to how to use. Only the compounds of claims 15 and 16 have been tested and shown by subsequent affidavit evidence as useful in the utility alleged. Use of the other compounds claimed as anti-allergics is speculative especially as many have not been made.

Claim 7 directed to a Markush group of species all purportedly useful as anti-allergics (community of common properties) is inadequately supported as only two compounds therein embraced have been so tested.

Claims 1 is rejected under 35 USC 112, Par. 2, as indefinite. The terms "alkyl", "alkenyl" and "alkoxy" are indefinite as the upper limit thereof is not set forth.


Claims 1-14 are rejected under 35 USC 103 as unpatentable over Albrecht et al and Yamagouchi in view of Connor et al. Albrecht et al and Yamagouchi both teach 3 Carboxylic quinol-4-ones. Connor et al teach anti-allergic use of analogous benzo pyrano pyridine 3-carboxylic acids and esters. The compounds and their use are prima facie obvious.

DSpringer:adj

A/C 703

557-3032

12-2-82


DAVID B. SPRINGER
EXAMINER
ART UNIT 122